

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

MICHAEL BEACH,

Plaintiff,

v.

TUBULAR STEEL, INC.,

Defendant.

Case No. 07-cv-554-JPG

MEMORANDUM AND ORDER

I. Jurisdiction

In light of Seventh Circuit admonitions, *see, e.g., America's Best Inns, Inc. v. Best Inns of Abilene, L.P.*, 980 F.2d 1072 (1992), the Court has undertaken a rigorous initial review of pleadings to ensure that jurisdiction has been properly pled. The Court has noted the following defect in the jurisdictional allegations of the Notice of Removal (Doc. 2) filed by defendant Tubular Steel, Inc.:

1. **Failure to allege the citizenship of a corporation.** A corporation is a citizen of both the state of its principal place of business and the state of its incorporation. 28 U.S.C. § 1332(c)(1). The relevant pleading must affirmatively allege the specific states of incorporation and principal place of business of a corporate party. Dismissal is appropriate if a plaintiff fails to make such allegations. *Indiana Hi-Rail Corp. v. Decatur Junction Ry. Co.*, 37 F.3d 363, 366 n. 3 (7th Cir. 1994). The defendant's notice of removal alleges its citizenship generally but fails to state the specific states of incorporation and of its principal place of business.

The Court hereby **ORDERS** that defendant Tubular Steel, Inc. shall have up to and including August 31, 2007, to amend the faulty pleading to correct the jurisdictional defect. Failure to amend the faulty pleading may result in remand of this case for lack of subject matter jurisdiction. Amendment of the faulty pleading to reflect an adequate basis for subject matter jurisdiction will satisfy this order. The defendant is directed to consult Local Rule 15.1

regarding amended pleadings and need not seek leave of Court to file such amended pleading.

II. Corporate Disclosure Statement

After reviewing defendant Tubular Steel, Inc.'s notice of removal, the Court notes that it has violated Federal Rule of Civil Procedure 7.1, which requires a non-governmental corporate party to submit a corporate disclosure statement at the time of its first appearance, pleading, petition, motion, response or other request addressed to the Court. The Court hereby **ORDERS** the defendant to file on or before August 31, 2007, the appropriate corporate disclosure statement. Failure to comply with this order may result in striking of the notice of removal and answer pursuant to the Court's inherent authority.

IT IS SO ORDERED.

DATED: August 9, 2007

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE